

REMARKS

This Amendment is responsive to the official action dated November 17, 2008. Claims 1-31 were pending in the application. In the official action, claims 1-31 were rejected. In this Amendment, claims 1, 9, 20, and 31 have been amended. Claims 1-31 thus remain for consideration.

Applicant submits that the application is now in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

Claim Objections

Claims 1, 9, 20, and 31 were objected to as containing informalities.

Claims 1, 9, 20, and 31 have been amended. Applicant submits that the amendments to claims 1, 9, 20, and 31 render the claims compliant with all formality requirements. Accordingly, Applicant requests that the objections to the claims be withdrawn.

§103 Rejections

Claims 1-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakada (US Patent No. 7,133,387) in view of Rakib et al. (US Patent Application Publication No. 2001/0046266) and Besenfelder (US Patent No. 3,832,684).

Applicant respectfully submits that the independent claims (claims 1, 9, 20, and 31) are patentable over Nakada, Rakib, and Besenfelder (collectively "the cited references").

Applicant's invention as recited in claim 1 is directed toward a wireless communication system. The claim recites that the system "operat[es] without a base station and include[es] a plurality of communication apparatuses associated with respective communication areas." That is, communications between apparatuses in Applicant's system do not pass through a "base station." Rather, in Applicant's system a communication

apparatus transmits directly to other communication apparatuses that are located within its communication area. The transmitting apparatus adds a preamble signal to its transmission and a communication apparatus which is located within the communication area of the transmission source, and which is not currently communicating, is operable to recognize that "the transmission path is used for a predetermined interval from a time when the preamble signal is detected." The claim further recites that "the preamble signal is inserted in each transmission packet so as to be integral with each transmission data," and that "the communication apparatus located within the communication area of the transmission source communication apparatus and not currently communicating engage[es] in wireless communication over the transmission path when it does not detect the preamble signal." (Emphasis supplied.)

None of the cited references discloses the emphasized recitation. In particular, Applicant notes that Besenfelder appears to disclose transmitting a "dead track signal" when an "end of preamble signal" is detected. (See Besenfelder column 5, lines 17-21.) Applicant submits that such transmission of a dead track signal by Besenfelder is not analogous to Applicant's recitation of an apparatus communicating over a transmission path when the apparatus does not detect a preamble signal, but rather, is merely the transmission of an indicator that is coincident with the end of a preamble. In any event, Besenfelder's "dead track signal" is transmitted over a wire, a wire that is coupled to output terminal 61 (see Besenfelder Fig. 1), and therefore Besenfelder does not disclose an apparatus "engaging in wireless communication over [a] transmission path when [the apparatus] does not detect [a] preamble signal." Accordingly, Applicant believes that claim 1 is patentable over the cited references - taken either individually or in combination - on at least this basis.

Independent claims 9, 20, and 31 include limitations similar to those discussed in connection with claim 1. Accordingly, Applicant submits that claims 9, 20, and 31 are patentable over the cited references for at least the same reasons as discussed in connection with claim 1.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant submits that dependent claims 2-8, 10-19, and 21-30 are patentable over the cited references for at least the same reasons as discussed in connection with the independent claims.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, the Examiner is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

By 
Bruno Polito

Registration No.: 38,580
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant